

In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 534

UNITED STATES OF AMERICA, APPELLANT

v.

NORMAN GEORGE REIDEL

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

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Order dismissing indictment dated June 8, 1970

(1)

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UNITED STATES DISTRICT COURT
for the
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

PREMISES KNOWN AS 15525 RANDALL AVENUE,
SAN BERNARDINO COUNTY, CALIFORNIA

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Marvin G. Weeks, Los Angeles, California.

Name of Commissioner

Address of Commissioner

The undersigned being duly sworn deposes and says:

That he has reason to believe that on the premises known as 15525 Randall Avenue, San Bernardino County, California, at the intersection of Randall Avenue and Elm Avenue, within San Bernardino County, California, a building further described as a two-level structure approximately 15' wide by 50' long with gray walls and tan roof over in the Central District of California, A-frame portion there is now being concealed certain property, namely brochures entitled "The True Facts About Imported Pornography," envelopes bearing the return address of Box 989, Fontana, California mailing lists used in connection with the above brochures; printing equipment and materials used in printing pornographic brochures; photographs used in preparing pornographic brochures; all materials relating to Norman or Normax or Normaz Press publications; any material addressed to or from William Flanders, P.O. Box 989, Fontana, California, which are the fruits and instrumentalities of a violation of Title 18, United States Code, Sections 1401 through 1465,

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

[See attached affidavit.]

Signature of Affiant.
P. R. ALFRED,

Official Title, if any,
Postal Inspector.

Sworn to before me, and subscribed in my presence, March 24, 1970.

United States Commissioner.

AFFIDAVIT

On February 17, 1970, a clipping from the EAST VILLAGE OTHER, Vol. 5, No. 1, dated December 10, 1969, stating "IMPORTED PORNOGRAPHY—learn the true facts before sending money abroad. Send \$1.00 for our fully illustrated booklet. You must be 21 years of age and so state. Normax Press, P. O. Box 989, Fontana, California 92335," was referred to me for investigation.

On February 17, 1970, I mailed \$1.00 cash to Normax Press through the test name of Hal Waller, Box 7052, Phoenix, Arizona 85011, in reply to the ad. On March 3, 1970, an envelope postmarked Fontana, California, February 24, 1970, bearing return address of P.O. Box 989, Fontana, California 92335, was received through the Phoenix test address. I personally opened the sealed envelope on March 3, 1970 and it contained a 17-page brochure entitled "The True Facts About Imported Pornography." The brochure consisted of numerous printed photos of hard core pornography of all types of sex acts and about half of each page consisted of textual matter criticizing postal inspectors, censors, etc., and giving information how pornography could be obtained from European sources without being defrauded or intercepted. (Photocopy of brochure attached to this affidavit as a part of it.)

On March 4, 1970, I then noticed similar ads in the Los Angeles Free Press, Vol. 7 #9, dated February 27, 1970 and in Screw, The Sex Review, #50, dated February 16, 1970, offering

the same booklet. The Free Press ad was by Norman Press and the Screw ad was by Normax Press, both at P.O. Box 989, Fontana, California 92335.

On March 4, 1970, I purchased and mailed a \$1.00 bank money order to Normax Press, Box 989, Fontana, California under the test name of Mark Johnson, Box 3428, Los Angeles, California 90053, in response to the Free Press ad. The money order was deposited to the account of Norman G. Riedel, 9315 Elm Street, Fontana, at the Fontana Branch of Bank of America on March 6, 1970. No mail from Norman Press was received in Box 3428, Los Angeles; however, the Fontana postmaster advised me on March 18, 1970, that on March 13, 1970, a letter similar to the one in which I earlier received the obscene booklet and which had originally been addressed to Mark Johnson, Box 3428, Los Angeles, California, was returned from the Los Angeles post office endorsed "Undeliverable as address." It bore the return address of P.O. Box 989, Fontana, California 92335 and was returned to the sender.

Review of Fontana post office boxholder records by me on March 18, 1970, revealed Box 989 was rented on April 4, 1969, by Norman Riedel, doing business as Norman Press, a printing business, located at 15525 Randall in Fontana, California. Driver's license # D42888 was used as identification by Riedel when he rented the box and he is personally known by the Fontana Assistant Postmaster.

Personal observation of Riedel's property by me on March 18, 1970, revealed 9315 Elm and 15515 Randall are located on the same property surrounded by a bamboo fence at the corner of Elm and Randall Streets in Fontana. There are actually six dwelling units located on the property; two (2) houses at 9315 Elm and 15515 Randall, four (4) apartments at 9317, 9317 and 9321 Elm and 15521 Randall, and one combination apartment and workshop at 15525 Randall. There is one large rural-type mail box on the property through which all mail for the several addresses is delivered.

Regular Carrier Gerald Comstock advised me on March 18, 1970, that for the past several months he has been delivering literature and supplies from printing and photography firms to Norman Riedel at the location and he said Riedel had mentioned to him on one occasion that he did printing in his shop. The carrier said that through his personal observations at the

location when mail requiring signature was delivered, Norman Riedel always came to get his mail from the direction of the building designated as 15525 Randall. He said Riedel's mother lived in the house designated 15515 Randall and another relative named "Akre" at 9315 Elm. When shown the distinctively printed envelope in which I received the obscene booklet and bearing return address of P.O. Box 989, Fontana, California, Mr. Comstock said that during the past month or two he has been picking up 15 to 20 of these envelopes daily from Riedel's mailbox, addressed to people all over the country. All were sealed and bore first class postage.

On March 18, 1970, I personally visited Riedel's property with a San Bernardino County Deputy Sheriff who was investigating a December burglary of one of his former tenants, Mrs. Joyce Majak, who resided at 15521 Randall at the time of the burglary. This is adjacent to the building designated 15525 Randall. We interviewed Norman Riedel, he did not let us on the property, he stated he had no other burglary problems and during the discussion he pointed out the building at 15525 Randall as his workshop and storage area.

On March 18, 1970, I personally interviewed Joyce Majak, the burglary victim, with the Deputy Sheriff regarding the burglary. She said she had moved from Riedel's place about two weeks ago but did not suspect him or any of the other tenants on the property. In fact, she said she now suspected her husband from whom she is now separated of the burglary. During the discussion, Mrs. Majak stated that Norman Riedel lived in the building designated 15525 Randall and that he had a photography laboratory and printing equipment in it. She said she had been in the shop within the last few months and she had observed a truck from some nudist colony loading printed material out of the building. She said Norman Riedel's mother, Katherine Riedel, lives at 15525 Randall and another deaf relative named "Akre" lives at 9315 Elm. This is the same information given by the postal carrier.

I believe based upon the foregoing facts that Norman Riedel is daily printing and/or preparing for mailing in the building designated as 15525 Randall the obscene booklets to which I have previously referred, containing reproductions of hard-core pornography, one of which was received by me through the mails.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

March 1970 Grand Jury

UNITED STATES OF AMERICA, PLAINTIFF

v.

NORMAN GEORGE REIDEL, DEFENDANT

No. 5845 CD Indictment

[18 U.S.C. § 7451: Mailing Obscene Matter]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1461]

On or about March 17, 1970, in San Bernardino County, within the Central District of California, defendant NORMAN GEORGE REIDEL knowingly deposited for mailing and delivery in the Post Office establishment of the United States, a pamphlet addressed to E. N. Guidry, 622 Fifth Avenue, Port Arthur, Texas 77540, which pamphlet was obscene, lewd, indecent, lascivious and filthy.

COUNT TWO

[18 U.S.C. § 1461]

On or about March 12, 1970, in San Bernardino County, within the Central District of California, defendant NORMAN GEORGE REIDEL, knowingly deposited for mailing and delivery in the Post Office establishment of the United States, a pamphlet addressed to R. D. Kerr, 2347 Callo Glicina, Thousand Oaks, California, which pamphlet was obscene, lewd, indecent, lascivious and filthy.

COUNT THREE

[18 U.S.C. § 1461]

On or about February 24, 1970, in San Bernardino County, within the Central District of California, defendant NORMAN GEORGE REIDEL knowingly deposited for mailing and delivery in the Post Office establishment of the United States, a pamphlet addressed to Hal Waller, P.O. Box 7052, Phoenix, Arizona 85011, which pamphlet was obscene, lewd, indecent, lascivious and filthy.

A True Dell.

.....
Foreman.

Mr. MATTHEW BYRNE, Jr.
United States Attorney.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

No. 5845-CD

UNITED STATES OF AMERICA, PLAINTIFF

v.

NORMAN GEORGE REIDEL, DEFENDANT

MOTION TO DISMISS INDICTMENT

The defendant moves the Court for an order dismissing the indictment on the following grounds:

EACH OF THE COUNTS OF THE INDICTMENT

1. Fails to state facts sufficient to constitute an offense against the United States.
2. Fails to state facts sufficient to constitute an offense against the United States because they fail to state that the pamphlet was mailed to a minor or to an adult who did not want to receive the said pamphlet.
3. Fails to state facts sufficient to constitute an offense against the United States because they fail to state whether the terms "obscene, lewd, indecent, lascivious and filthy" are intended to have a single meaning or whether each of the said terms is intended to have a different legal meaning.
4. Fails to state facts sufficient to constitute an offense against the United States because they do not allege the essential elements of the offense of "obscenity."
5. Fails to state facts sufficient to constitute an offense against the United States because they fail to allege that the defendant knew that the pamphlet was utterly without ideas or other social value, or that he knew that the pamphlet appealed to the prurient interest of the average normal adult in the nation as a whole or to the addressee, or that he knew that

the pamphlet went beyond customary limits of candor in the nation as a whole in the depiction or representation of matters pertaining to sex or nudity.

6. Title 18 U.S.C. § 1461, on its face and as construed and applied, violates the free speech, due process and equal protection provisions of the First, Fifth and Sixth Amendments, and the cruel and unusual punishment provisions of the Eighth Amendment, and the rights of the people preserved by the Ninth and Tenth Amendments to the United States Constitution.

(a) The statute violates the free speech and press provisions of the First Amendment because it seeks to interfere with the right of a consenting adult to receive obscene material for his private use in his own home;

(b) The statute imposes an impermissible government censorship over a householders unlimited control of his own mail box. The statute places government between the censor and addressee of publications, thus planting government "astride the flow of the mail" and interfering with the individual's freedom to control the flow of reading matter into his home. This right of the individual is absolutely protected from governmental regulation;

(c) The statute violates the equal protection provisions of the First and Fifth Amendments to the United States Constitution. Since the First Amendment protects the right of an adult to bring into this country obscene material, and to have such material mailed to him from abroad, it is a sheer denial of equal protection to hold that the same adult could not have the same material sent to him from within this country;

(d) The statute violates substantive and procedural due process in violation of the Fifth and Sixth Amendments to the United States Constitution because the term "obscene" is so vague and ambiguous that neither those subject to its provisions nor those called upon to apply the statute are able to ascertain its meaning with reasonable certainty;

(e) The statute, making it a felony to mail "obscenity" to a consenting adult for use by that adult in the privacy of his own home when the addressee suffers no

harm and society is in no manner injured, constitutes cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution;

(f) The statute violates the right of privacy of consenting adults and interferes with the rights of the people reserved by the Ninth and Tenth Amendments to the United States Constitution.

This motion is based upon Rules 7(c), 12(b)(1), 12(b)(2), 12(b)(4) and 47 of the Federal Rules of Criminal Procedure; the brief in support of the motion; the indictment, and all papers and records on file in the above entitled matter.

Dated: May 18, 1970.

/s/ STANLEY FLEISHMAN,
Attorney for Defendant.

Original

In the United States District Court, Central District
of California

Honorable Harry Pregerson, *Judge Presiding*

No. 5845-HP-Criminal

UNITED STATES OF AMERICA, PLAINTIFF

v.

NORMAN GEORGE REIDEL, DEFENDANT

Reporter's Transcript of Proceedings

Los Angeles, California

Monday, June 8, 1970

SAMUEL GOLDSTEIN, OFFICIAL REPORTER, UNITED STATES DISTRICT
COURT, LOS ANGELES, CALIFORNIA 90012, PHONE: 622-1678
AND 622-2993

APPEARANCES

For the Plaintiff: ROBERT L. MEYER, *United States Attorney*,
By: EDWARD WALLIN, *Assistant United States Attorney*, and
KENT STEELE, *Assistant United States Attorney*, 1200 U.S.
Court House, Los Angeles, California 90012.

For the Defendant: ROBERT C. McDANIEL, Esq.

[Tr. 10]

The COURT: In this case here this doesn't involve giving free
rein to commercial distribution of pornography, does it? As I
understand it, these pamphlets were mailed out in response to
a solicitation by the addressee.

[Tr. 11]

The COURT: In this motion we are assuming that this pam-
phlet is pornographic.

[Tr. 16]

Mr. McDANIEL: I would then ask the following:

May it be stipulated that with regard to Count Three of this indictment, that was in fact a solicited mailing? Is that stipulated, counsel?

Mr. STEELE: Well, your Honor, I feel that at this time we can't stipulate to that.

The COURT: It has already been conceded in argument that that was a solicited mailing, and that the other two items were solicited. I think we covered the fact that the addressees were adults.

Maybe I am mistaken.

[Tr. 18]

Mr. STEELE: Yes, your Honor.

The Government would be willing to stipulate that at least as to the test mailing count, that it was a solicited item. The other two we are just not aware of.

The COURT: Solicited item by an adult?

Mr. STEELE: Yes, your Honor.

Mr. McDANIEL: I would offer the following statement as it has already been discussed: that the others had been solicited; however, they never reached the person that solicited them, but constitute material that was seized from Mr. Reidel's establishment.

The COURT: I missed that last.

Mr. McDANIEL: What happened, apparently, was these other two things, these other two counts, that those items were only gained by the Government at the time that they executed this search and seizure operation at the premises. There isn't any evidence that they would be bringing forward before this court in any fashion as to the facts of the solicitation in these two instances. That's about all I can say at this point, I guess. But it was solicited mailings in those instances, too, we know. And the Government is aware of that, also, I might point out.

[Tr. 20]

The COURT: The Government is willing to stipulate, then, and has, as far as Count Three is concerned, that that was a solicited mailing in response to a solicitation by an adult. As far as Counts One and Two are concerned the Government doesn't know, because those items were apparently never

delivered and the Government has not investigated it further.

We do know that at least as to Count Three that the solicitation was in response to apparently an ad that the inspectors saw in papers here in this area.

Would the Government be willing, just as a matter of consistency, to stipulate for purposes of the court's ruling on this motion, that as to all three counts—or that the court's decision as to Count Three would control the disposition as to Counts One and Two, because we are dealing with the same animal here?

Mr. WALLIN: Your Honor, I take it that counsel's position is that were he to provide us with a bill of particulars, which is the only way we could know—not a bill of particulars, but with some proof—that his proof would be that these items were solicited. But I don't see how we can stipulate to that fact since we have no evidence or proof one way or the other, and especially without conceding our position that that question is irrelevant to the court's decision on this motion.

* * * * *

[Tr. 21]

The COURT. Well, I think on that basis, then, at least, I feel that there is enough for me to make a ruling on this matter. My ruling can be examined by a higher court, perhaps.

I have always found this area, pornography, obscenity, or what is or what isn't obscene, a very difficult area for me to move in for a number of reasons. I don't think that that is any novel statement. It has been stated by lawyers and by judges on many occasions. I, personally, have a dislike and a distaste for the whole area, and I certainly have very strong feelings against this kind of literature and this kind of printing. On the other hand, [Tr. 22] that feeling and viewpoint of mine is also in a sense counterbalanced by a strong feeling of the right of an individual to his own privacy and for an adult to make these decisions on his own without being told by his Government what he can see or what he can't see, or what he can read or what he can't read, what he can feel or what he can't feel. I think it is an area that certainly the Supreme Court has been struggling with for many years and probably will be struggling with for many years in the future.

I went over and read *Stanley v. Georgia* very carefully last night, and I am quoting from Volume 89 of the Supreme Court Reporter, page 1247, the court speaking through Mr. Justice Marshall stated:

"It is now well established that the constitution protects the right to receive information and ideas. 'This freedom (of speech and press) * * * necessarily protects the right to receive * * *'"

Then there are citations; the *Griswold* case, *Lamont*. Then continuing:

"This right to receive information and ideas, regardless of their social worth * * * is fundamental to our free society. Moreover, in the context of this case—a [Tr. 23] prosecution for mere possession of printed or filmed matter in the privacy of a person's own home—that right takes on an added dimension. For also fundamental is the right to be free, except in very limited circumstances, from unwanted governmental intrusions into one's privacy."

Then they go on and quote Brandeis' dissent in *Olmstead v. The United States*, where he talks about the right to be let alone and describes that as the most comprehensive of rights and the right most valued by civilized man.

It would seem to me, anyway, that if a person has the right to receive and possess this material, then someone must have the right to deliver it to him. This is basically the thought that was expressed in *Karalexis v. Byrne*, 306 F. Supp. 1363, a 1969 Massachusetts case, District Court in Massachusetts.

So it would be my conclusion that where obscene material is not directed at children, or it is not directed at an unwilling public, where the material such as in this case is solicited by adults, there is no valid governmental interest that I can see that would justify a criminal prosecution for distributing this material, and I would therefore, of course, go along with Judge MacBride in the case of *United [Tr. 24] States v. Lethe*, decided by him on April 29, 1970, Eastern District of California. So this court is, therefore, going to rule that this particular prosecution that is now before it under 18 U.S.C., Section 1461, runs afoul of the First and Fourteenth Amendments. On that basis the motion to dismiss is granted.

Because the court has ruled that the defendant may not be prosecuted for mailing this obscene material to requesting adult addressees, the court need not pass on the other constitutional questions and need not pass on this matter of requirement of an adversary hearing.

[Tr. 26]

Mr. McDANIEL. Could I ask one question, your Honor?

Is the effect of your ruling any impugning of the underlying constitutionality?

The COURT. I thought I made it clear that what I am saying is as far as this particular case is concerned that that Section 1461 runs afoul of the First and Fourteenth Amendments. It is a very narrow ruling.

Mr. McDANIEL. Just on further comment—

The COURT. Based on the fact that you have a solicitation by an adult, I think that is a far cry from a mass mailing and mass distribution, which I personally find [Tr. 27] to be highly offensive.

Mr. McDANIEL. Thank you, your Honor.

The COURT. In this situation here if the addressee is an adult, and this is what that person wants, I think that the cases that I have cited and the principles that I have referred to certainly give him that right. That is his own personal decision.

Mr. WALLIN. Your Honor, is it the court's decision that in order to well plead a charge under this statute the Government must plead and be prepared to prove that the item was either sent to a juvenile or sent unsolicited through the mail?

The COURT. Well, I will say no more, Mr. Wallin, other than indicate that my ruling is based on the prosecution in this particular case, that it involves a situation where the item is sent out in response to a solicitation by an adult. I will just leave it at that.

Mr. WALLIN. May it be stipulated that the Government's statements on the record here today, that the item in Count Three was solicited and that the Government has no evidence either way on Counts One and Two, be deemed to be a part of a bill of particulars supplied by direction of the court to amplify the indictment?

The COURT. Is there any objection to that?

Mr. McDANIEL. I don't even understand this, [Tr. 28] so I won't say anything.

Mr. WALLIN. I am trying to think ahead, your Honor. My point is I am trying to make the record clear that the court's decision is based on the fact of solicitation or no proof of lack of solicitation, at least, of these materials, and on the fact that that has been considered as part of the bill of particulars to amplify this indictment.

The COURT. In my decision I talk about the prosecution in this particular case. As far as this court is concerned, based on what I heard here, the stipulation as far as Count Three and the stipulation as far as the other two counts are concerned, that we are dealing here with a situation where an adult solicits the material, the material was mailed in response to a solicitation by an adult. I don't see where there is any problem or should be any problem if that is considered an amendment to the indictment in response to a bill of particulars.

Mr. WALLIN. That is what I wanted the court to say. Thank you.

[Tr. 29]

Mr. WALLIN. May it also be assumed for purposes of this hearing that the court has examined the material which forms the underlying basis for this indictment and has found it to be obscene as that term is defined by the Supreme Court?

The COURT. I haven't really made that finding. We are all assuming that it is. We are assuming that it is. I think I brought that out.

Mr. McDANIEL. Just in terms of the language of the motion that was before the court, we didn't go into the issue of obscenity by the motion. That is technically where it stands.

The COURT. Yes. If you went into that issue you might have other problems, I am sure.

Mr. STEELE. In the argument, though, we did agree to that, in the argument on the motion.

The COURT. In the argument we did agree on that.

Mr. McDANIEL. All three of you gentlemen [Tr. 30] agreed. I never said anything at that point, I want the record to be clear on that. But technically it is an arguendo situation.

Thank you, your Honor.

The Court. That is the underlying assumption. All right. It is after 5:00 and time to close shop, so we will recess until 9:30 tomorrow morning.

[Tr. 31] in the United States District Court, Central District of California

No. 5845-HP-Criminal

UNITED STATES OF AMERICA, PLAINTIFF

v.

NORMAN GEORGE REIDEL, DEFENDANT

Reporter's Certificate

I hereby certify that I am a duly appointed, qualified and acting official court reporter for the United States District Court for the Central District of California.

I further certify that the foregoing is a true and correct transcript of the proceedings had in the above-entitled cause on the date specified therein, and that said transcript is a true and correct transcription of my stenographic notes.

Dated at Los Angeles, California this 10th day of June, 1970.

Samuel Goldstein, C.S.R.

Official Reporter.

United States District Court, Central District of California

Criminal Minutes—General

Case No. 5845 Date June 8, 1970

Docket Entry: Deft appears with ret couns. Hrg defts mot to dismiss ind, ord mot granted, case dismissed, and that other pending mots are moot & need not be passed on. Fur ord that seized material be returned to deft, but that exec of this ord is stayed for 60 days. JS-3 (HP)

Present: Hon. HARRY FREGERSON, Judge

A. J. MORSE

SAMUEL GOLDSTEIN

KENT STEEL/EDWARD WALLIN

Deputy Clerk

Court Reporter

Asst. U.S. Attorney

U.S.A. v. (DEFENDANTS LISTED BELOW)				ATTORNEYS FOR DEFENDANTS			
(1)	NORMAN GEORGE REIDEL			(1)	ROBERT C. MCDANIEL		
4	present	___ custody	___ bond	4	present	___ appointed	4 retained
(2)				(2)			
___	present	___ custody	___ bond	___	present	___ appointed	___ retained
(3)				(3)			
___	present	___ custody	___ bond	___	present	___ appointed	___ retained
(4)				(4)			
___	present	___ custody	___ bond	___	present	___ appointed	___ retained

Proceedings: Hearing Defendants Motion to Dismiss, etc.

Defendant appears with retained counsel. Ordered motion to dismiss granted and that other pending motions are moot and need not be passed on. Further ordered that seized material be returned to defendant but that execution of this order is stayed for 60 days.

United States District Court, General District of California

No. 5845-HP-CD

Filed July 8, 1970

UNITED STATES OF AMERICA, PLAINTIFF

v.

NORMAN GEORGE REIDEL, DEFENDANT

Notice of Appeal

Attorneys for Plaintiff, United States of America: ROBERT L. MEYER, *United States Attorney*, DAVID R. NISSEN, *Assistant U.S. Attorney, Chief Criminal Division*, J. KENT STEELE, *Assistant U.S. Attorney*, 1221 U.S. Courthouse, 312 North Spring Street, Los Angeles, California 90012; Telephone: 688-2432.

Plaintiff, United States of America, hereby appeals to the United States Supreme Court, under the provisions of 18 U.S.C. § 3731, from the Judgment on the Motion to Dismiss the Indictment entered June 8, 1970, in this case.

The attorneys for the parties and their addresses are: For the plaintiff, United States of America, Robert L. Meyer, United States Attorney, David R. Nissen, Assistant U.S. Attorney, Chief Criminal Division and J. Kent Steele, Assistant U.S. Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California, 90012; for the defendant, Norman George Reidel, Robert C. McDaniel, 1680 Vine Street, Suite 700, Los Angeles, California, 90028.

Dated: This 8th day of July, 1970.

ROBERT L. MEYER,
United States Attorney,

DAVID R. NISSEN,
Assistant U.S. Attorney,
Chief, Criminal Division,

J. KENT STEELE,
Attorneys for Plaintiff,
United States of America.

In the Supreme Court of the United States

No. 534 —, October Term, 1970

UNITED STATES, APPELLANT

v.

NORMAN GEORGE REIDEL

APPEAL from the United States District Court for the Central District of California.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted. The case is set for oral argument with No. 133.

OCTOBER 12, 1970.

(19)